

# U. S. SUPREME COURT BOASTS BUT EIGHT CLERKS IN 123 YEARS



When Chief Justice White of the supreme court of the United States announced James D. Maher as the choice of the court for the position of clerk, it marked only the eighth time during the 123 years' existence of the court that a new clerk has been selected.

The court was established in 1790, and from the day that John Tucker, the first clerk of the United States supreme court, made his initial entry in the now priceless books containing the court's records, only six men upon the long stretch of years between him and James D. Maher, John Tucker's office, along with the court, was first in the old Exchange Building, New York City, where the last session was held August 2, 1790, later moving to Philadelphia, February 7, 1791, and then to Washington, February 2, 1801. Today James D. Maher can look from one of the spacious windows of the office of the court under the dome of the capitol and behold a vista including the nation's great departmental buildings, the Washington monument and the great trio of wireless station towers which seem to reach heaven on the heights of Arlington.

The eight clerks of the court in the order of their appointment are as follows: John Tucker, February 3, 1790; who served a very short time, only about a year; Samuel Bayard, who served from August 1, 1791, until August 15, 1800; Elias B. Caldwell, from August 15, 1800, to 1825; William Griffith, from 1825 to 1827; William Thomas Carroll, from January 28, 1827, until July, 1863; Daniel Wesley Middleton, from December 7, 1863, until his death, 1880, and James Hall McKenney, from May 10, 1880, until October 13, 1913.

**John Tucker Number One**  
The first clerk of the supreme court of the United States, John Tucker, was the selection of Chief Justice Jay. He was a native of Newbury, Mass., where he was born the 11th of August, 1753. He received his early education at Dummer Academy, at that time one of the best schools in New England, and in 1770 entered Harvard University, graduating in 1774. After spending some years in the study of law he was appointed junior clerk of the supreme judicial court of Massachusetts in 1783. While holding this position he was called to New York, then the seat of the national government, to open the books of record of the supreme court of the United States, in 1790.

On the 1st of August, 1791, he resigned his place and returned to Boston, resuming his duties as clerk of the supreme judicial court of Massachusetts, and continued in this place until his death, which occurred February 27, 1825. He is said to have been a very popular man, well known throughout the state as "Clerk Tucker" or as "Judge Tucker."

**Sam Bayard Number Two**  
The second clerk of the court was Samuel Bayard, fourth son of Colonel John H. Bayard of the distinguished Delaware family of that name. He was born in Philadelphia the 11th of January, 1767. After a preparatory course at grammar schools he entered Princeton College and graduated in 1784 as valedictorian. He subsequently studied law and practiced actively for seven years in Philadelphia. He was appointed as the successor of Mr. Tucker August 1, 1791, and held the place until August 15, 1800. During the greater part of his term, however, he was absent, and his duties were performed by Elias B. Caldwell.

After the ratification of Jay's treaty in 1794 Mr. Bayard was appointed by President Washington as agent of the United States to prosecute claims before the British admiralty courts, and this led to a residence in the city of London for four years. Upon his return to this country he went to New Rochelle, N. Y., and was appointed by Governor Jay as presiding judge of Westchester county. In 1803 he resigned his office, removed to New York City and resumed the practice of law. Later he purchased an estate at Princeton, N. J., and was for several years a member of the state legislature and for some time presiding

judge of the court of common pleas for Somerset county. He was one of the founders of the Princeton Theological Seminary and was an unsuccessful candidate for Congress upon the federalist ticket in 1814.

**E. B. Caldwell Number Three**  
The third clerk of the court was Elias B. Caldwell, named after Elias Boudinot, who among his many claims to distinction was the first to be admitted to the bar of the supreme court of the United States. Mr. Caldwell was born the 3d of April, 1778. His mother was murdered by a British soldier when he was but 3 years old, and three years later his father, the Rev. James Caldwell, was murdered in cold blood by an Irish soldier. He was then adopted by the celebrated man for whom he was named. After a grammar school education he entered Princeton College and graduated in 1796. He was appointed clerk of the court August 5, 1800, serving until his death in 1825.

**Wm. Griffith Number Four**  
William Griffith, the fourth clerk, was the son of a physician of Bound Brook, Somerset county, N. J., and was born in the year 1766. He studied law in the office of Elias Boudinot at Newark, licensed as an attorney in 1778, and in time became a learned lawyer. In 1796 he published a treatise on the jurisdiction and proceedings of justices of the peace, with an appendix containing advice to executors and administrators and an outline of the law of landlord and tenant. Later he published a series of essays exposing the defects of the constitution of his native state and urging a popular convention to revise it. He held the office of surrogate and in 1801 was appointed one of the judges of the United States circuit court for the third circuit, his associates being William Tilghman, afterward chief justice of Pennsylvania, and Richard Bassett, the chief justice of Delaware. Upon the death of Mr. Caldwell he was appointed clerk of the court, but served only a short time, dying a few months later.

**W. T. Carroll Number Five**  
William Thomas Carroll, fifth clerk of the court, was born at Bellevue, Md., the 2d of March, 1802. After receiving an ordinary English education he went to Eumtitsburg, from which college he graduated at the early age of 20 years. He studied law at Litchfield, Conn.; was admitted to the bar, and shortly afterward was appointed lecturer at the law department of Columbia College, in the District of Columbia. He was appointed clerk of the supreme court of the United States January 28, 1827, and he continued to discharge the duties of this office until his death, which occurred the 13th of July, 1863.

Chief Justice Taney said: "When we are appointing a successor to Mr. Carroll it is but justice to his memory to say that he was an accomplished and faithful officer, prompt and exact in business and courteous in manner, and during the whole period of his judicial life discharged the duties of his office with justice to the public and the suitors and to the entire satisfaction of every member of the court."

**D. W. Middleton Number Six**  
The sixth clerk, Daniel Wesley Middleton, who for more than 53 years was closely connected with the work of the court, was born May 1, 1805. At the time of Mr. Carroll's appointment, in 1827, Mr. Middleton, at the age of 22, was acting as an assistant to the clerk, and he was immediately promoted to the position of deputy. Upon Mr. Carroll's death he was appointed his successor by the unanimous vote of the court and served in that capacity until his death, April 27, 1880. Discreet, courteous and painstaking, the benevolence and gentleness of his character endeared him to both bench and bar.

**J. H. McKenney Number Seven**  
The late James Hall McKenney, seventh clerk of the court, was born in Hartford county, Mr., July 12, 1837. He received his education at the Bel Air academy, Md., and at Rugby academy in this city. He became a resident of this city in December, 1845,

and entered the office of the clerk of the United States circuit court for the District of Columbia in 1853. Five years later he was appointed junior clerk of the supreme court by Mr. Carroll, and on the appointment of Mr. Middleton as clerk, became acting deputy. After the authorization by law of the appointment of a deputy clerk, by the United States circuit court, he was appointed to that position, which he occupied until the 10th of May, 1880, when he was selected by the supreme court as Mr. Middleton's successor. The unanimity of the bench in voting for him was marked by the exertions of Mr. Justice Hunt, who although confined to the house by serious illness, and not having been to the courtroom for several months, left his chambers and went to the capitol to declare his appreciation of Mr. McKenney by casting his vote for him.

Mr. McKenney was also elected and served as the secretary of the electoral commission in 1877. Mr. McKenney married Miss Virginia Walker of Washington in 1862. Two sons, Frederick D. McKenney and Charles A. McKenney, survive him; also a brother, H. C. McKenney, and a sister, Miss Mary A. McKenney. A scrapbook kept by Mr. McKenney during his service as clerk of the court contains thousands of clippings bearing on the proceedings and work of the court. During his service he administered the oath to probably 10,000 lawyers upon their admission to practice before the supreme court.

In making the announcement of the death of Mr. McKenney, Chief Justice White spoke in high terms of his life and character. He said: "In entering the order appointing a clerk because of the death of Mr. McKenney, the court is unwilling to let the occasion pass without making some note on its records of the character of the services rendered by Mr. McKenney to the court and the country for so long a time, and also without expressing for permanent record the sorrow which the members of the court feel at the loss which has been occasioned by the death of Mr. McKenney."

"Mr. McKenney became connected with the work of the court as far back as 1858, first as a junior clerk, then as acting deputy; then, when the statute authorized it, as the deputy clerk; and finally, in 1880, upon the death of Mr. Middleton, he became clerk of the court."

"During all the long period of more than 50 years, with diligence, with fidelity, and with honor, he served the court and the country. The consolation at his loss to the court and the country is this: That no one can look over the period of time during which he served and consider the grave subjects with which the court dealt during that time, and with reference to which the clerk was called upon, within his sphere of duty, to act, and deny that the effect of those services so faithfully rendered rendered to the benefit of the people of the country and to the preservation of our constitutional system of government, which remains as the safeguard of every right and the guaranty of the liberties of all."

"The consolation of those united to him by ties of kindred and personal affection is that they have the heritage of a long, virtuous and well spent life which, if contemplated in the light of faith, brings to them the assurance that its rectitude finds place on the minutes of that court of everlasting and infinite power to which all human conduct must come for ultimate judgment; and that that record affords ground for faith to believe that the one whose loss they deplore is gone to his everlasting reward."

**J. D. Maher Now on the Job**  
The eighth clerk of the court, James D. Maher, designated by Chief Justice White, as the choice of the court to succeed the late James H. McKenney, was born at West Point, N. Y., October 1, 1854, removing to Washington in 1862, and being educated in local schools. He has been in the service of the court for 48 years, having entered its employ December 1, 1865. He was appointed

on federal procedure. Since his appointment by the court he has been overwhelmed with telegrams and letters of congratulation from every part of the United States.

The duties of the clerk of the court are varied and numerous and have been increasing as the years roll by, until at the present time he is surrounded by a deputy clerk, four assistants, two stenographers and two messengers. Among his most important duties are those of recording the minutes, judgments, orders, decrees, etc., of the court, and seeing that the docket is always up to date and correct, this latter duty being attended to every evening and necessitating at times his remaining in his office until 9 and 10 o'clock at night. He also has supervision of all printing for the court, which includes, with other things, the opinions handed down by the chief and associate justices. Although not required by law to do so, he keeps attorneys notified of the dates when their cases will be called before the court, and this entails a great amount of work owing to the wide jurisdiction of the court, which extends not only throughout the United States, but Hawaii and the Philippine Islands. The clerk also swears in all attorneys admitted to practice before the court, for which he receives a nominal fee. His salary, together with the fees received, makes his income compare favorably with that of other high officials of the government.

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## COL. GOETHALS TO REMAIN AT CANAL

[By Latest Mail]  
WASHINGTON—That Col. George W. Goethals, chief engineer of the Panama Canal, is not to retire, but is on terms of friendship with President Wilson, Secretary Garrison and the Washington administration was made plain on Thursday by President Wilson himself.

The president had expected to visit the Canal Zone last summer before the water was let in, but legislative developments in Washington prevented. He let it be known Thursday that he saw no particular occasion for a visit until January, 1915, when the canal will be formally opened.

And many a man will admit that his success is due to his good judgment.

## METHODISTS PLAN MEXICAN MISSIONS

[By Latest Mail]  
DECATUR, Ill.—That the mission-aries of the Methodist church will go into Mexico and try to prevent further uprisings was the decision made by the general committee of the foreign mission board of the Methodist church at its closing session Thursday. The final meeting was occupied in making a division of the \$2,000,000 in appropriations among the many districts of the foreign field.

The board authorized the payment of a debt of \$69,000 on the Methodist church in Rome.

The death rate in the Canal zone so far this year has been 21.18 per thousand of population as compared with 49.94 per thousand the year before the United States began its control.

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